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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,533	10/06/2003	Ronald L. Bauer	10807.0151.NPUS00	2532

26720 7590 07/13/2005

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EXAMINER	
KHAIRA, NAVNEET K	

ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/605,533	BAUER, RONALD L.	
	Examiner	Art Unit	
	Navneet Sonia Khaira	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-16,18-23,25,26 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-16,18-23,25,26,28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by McNabb (US 5,487,493).

Referring to claim 23, McNabb further discloses a lever lock comprising:

- a locking member (22) defining a generally cylindrical bore (40);
- the locking member (22) defining a notch (30);
- notch including a radiused portion (Fig 1);
- and the notch (30) including a stop surface extending from the radiused portion to an outer edge of the locking member (Fig 1);
- the bore (32) and the radiused portion of the notch (30) are generally centered on a longitudinal axis (axis extending from back end (near 28) of the locking member to the front end (near notch 30)) of the locking member (29, Fig 3).

Referring to claim 25, McNabb further discloses the notch (30, fig 2) and the longitudinal axis (axis extending from back end (near 28) of the locking member to the

front end (near notch 30)) of the locking member (22, fig 1) define an obtuse angle relative to the spout (18, fig 1) opening.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-14,16, 22, 26,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb (US 5,487,493) in view Numbers (US 4,252,160).

Referring to claims 1 and 2, McNabb discloses a liquid dispensing system comprising:

-a valve (14) having an inlet for receiving liquid, an outlet and an actuator,

-a spout (18) in fluid communication with the valve (14) outlet,

-a lever (20) connected to the actuator, the lever (20) having a closed position in which the valve (14) is closed, and an open position in which the valve (14) is open to allow liquid to be dispensed from the spout (18);

-the locking member (22) defining a notch therein, the locking member being being rotatable to a locked position (fig 2) in which the lever (20) seats in the notch (30) to

prevent moving the lever (20) from the closed position (Fig 2) to the open position (Fig 1) the locking member (22) is rotatable (fig 1 and fig 2) between the locked (fig 2) and unlocked (fig 1) positions but does not disclose a locking member defining a spout opening therethrough, the spout opening receiving the spout; Numbers discloses a locking member (fig 2) defining a spout opening (24), the spout opening (24) receiving the spout as seen in fig 1.

It would have been obvious to one of ordinary skill in the art to have modified the liquid dispensing system of McNabb by modifying it adding an extension from the lever handle and around the spout opening in order to prevent flow of beverage unless and until a drinking glass is placed under the faucet.

Referring to claims 4-8, McNabb further discloses the locking member (22) that is rotatable (Fig 1) about the spout (16). McNabb also shows the locking member (22) defined on a longitudinal axis, and wherein the spout (16) opening is generally centered on the longitudinal axis (Fig 2). The locking member (22) defines a longitudinal axis, and wherein the spout (16) and the lever (20) are both generally centered on the longitudinal axis when the locking member (22) is in the locked position (Fig 2). The notch is shaped such that movement of the lever (20) from the open position towards the closed position (Fig 5) causes the locking member (22) to move to the locked position (Fig 2). The valve actuator is normally closed (Fig 1).

Referring to claim 9, McNabb further discloses the notch (30) includes the lever (20) seating in the radiused portion (30) when the locking member (22) is in the locked position (Fig 2). A stop portion (inner end of 30) extending from the radiused portion (30) to an outer edge (29) of the locking member (22), the stop portion (inner end of 30) of the notch (30) engaging the lever (20, Fig 2) when it is moved from the open position (Fig 1) to the closed position (Fig 2).

Referring to claims 11 and 22, McNabb further discloses the notch (30, fig 2) and the longitudinal axis (axis extending from back end (near 28) of the locking member to the front end (near notch 30)) of the locking member (22, fig 1) define an obtuse angle relative to the spout (18, fig 1) opening.

Referring to claim 12, McNabb further discloses the lever (20) is pivotable between the closed and open positions (Fig 5).

Referring to claim 13, McNabb further discloses the lever (20) has a first end connected to the valve actuator (47) and a second end (20a) opposite the first, wherein the second end (20a) of the lever (20) is located farther away from the spout (18) when the lever (20) is in the open position (Fig 1) than when the lever is in the closed position (Fig 2).

Referring to claims 14, McNabb discloses the apparatus is used to dispense beverages, in order to do so, the liquid dispensing system has to comprise of a second valve and a second lever. Anyone of ordinary skill in the art would know not to dispense different beverages of different flavors from a single valve, instead the system would require multiple valves and levers to control flow of each beverage.

Referring to claim 16, McNabb further discloses a locking member comprising:

- the second end of the locking member (22) defining a notch (30) therein for receiving a dispensing lever (20) of the faucet;

- the locking member (22) defining a locked position (Fig 2) in which the notch (30) captures the dispensing lever (20); and

- the notch (30) being shaped such that the locking member (22) is movable from the locked position (Fig 1) to release the dispensing lever (20) by rotating (fig 1 and fig 2) the locking member (22) about the spout (18).

- the locking member (22) being rotatable (fig 1 and 2) from the locked position (fig 2) to an unlocked position (fig1) in which the lever (20) is not seated in the notch (30), allowing movement of the lever from the closed position to the open position (fig 5). The locking member (22) is rotatable (fig 1 and fig 2) between the locked (fig 2) and unlocked (fig 1) positions but does not disclose a locking member defining a spout opening therethrough, the spout opening receiving the spout; Numbers discloses a

locking member (fig 2) defining a spout opening (24), the spout opening (24) receiving the spout as seen in fig 1.

It would have been obvious to one of ordinary skill in the art to have modified the liquid dispensing system of McNabb by modifying it adding an extension from the lever handle and around the spout opening in order to prevent flow of beverage unless and until a drinking glass is placed under the faucet.

Referring to claim 26, McNabb further discloses a liquid dispensing system, comprising:

- a valve (16) having an inlet for receiving liquid, an outlet, and an actuator;
- a spout (18) in fluid communication with the valve outlet;
- a lever (20) connected to the actuator (47), the lever (20) having a closed position (Fig 5) in which the valve (16) is closed, and an open position (Fig 5) in which the valve (16) is open to allow liquid to be dispensed from the spout (18);
- first means for locking the lever (20) in the closed position (Fig 2) and selectively unlocking the lever (20); but does not disclose a second means for automatically locking the lever in response to movement of the lever from the open position to the closed position. Numbers discloses an attachment to prevent flow of beverage unless and until a drinking glass is placed under the faucet.

It would have been obvious to one of ordinary skill in the art to have modified the dispensing system of McNabb by adding the attachment of

Numbers as a second means for automatically locking the lever in order to prevent from overflow of beverage in the container in which it is being dispensed.

Referring to claims 28, McNabb further discloses a method of locking a faucet (18) dispenser lever in a closed position (Fig 2), the faucet including a spout for dispensing liquid in response to moving the dispenser to an open position, the method comprising:

moving the dispenser lever (20) from the open position (Fig 1) to a closed position (Fig 2) such that the dispenser lever (20) engages a notch (30) defined in the locking member (22) but does not disclose a locking member defining a spout opening therethrough, the spout opening receiving the spout; Numbers discloses a locking member (fig 2) defining a spout opening (24), the spout opening (24) receiving the spout as seen in fig 1.

It would have been obvious to one of ordinary skill in the art to have modified the liquid dispensing system of McNabb by modifying it adding an extension from the lever handle and around the spout opening in order to prevent flow of beverage unless and until a drinking glass is placed under the faucet.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb (US 5,487,493) in view of Numbers (US 4, 252,160) as applied to claim 14 above and further in view of Ecklund (US 5,971,354).

Referring to claim 15, McNabb shows a liquid dispensing system substantially according to claim 15, but does not show a second valve inlet is connected to a source of hot water according to the claim. Ecklund teaches to provide a second valve inlet connected to a source of hot water in order to have faucets that dispense water at different temperatures.

It would have been obvious to one having ordinary skill in the art to have included the second valve inlet connected to a source of hot water of Ecklund in the dispensing system of McNabb in order to have faucets that dispense water at different temperatures as taught by Ecklund.

6. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb (US 5,487,493) in view Numbers (4,252,160) as applied to claim 16 above and further in view of Grunewald (US 6,648,178).

Referring to claim18, McNabb further discloses the locking member (22) defines a longitudinal axis, and wherein the spout opening (end of 18) is generally centered on the longitudinal axis (Fig 1).

Referring to claim 19, McNabb further discloses the notch (30) is shaped such that movement of the lever (20) from an open position (Fig 5) towards a closed position (Fig 5) causes the locking member (22) to move to the locked position (Fig 2).

Referring to claim 20, McNabb further discloses the notch (30) includes a radiused portion generally centered (Fig 2) on a longitudinal axis of the locking member (22), the lever (20) seating in the radiused portion when the locking member (22) is in the locked position (Fig 2).

Referring to claim 21, McNabb further discloses the notch (30) includes a radiused portion generally centered (Fig 2) on a longitudinal axis of the locking member (22) and a stop portion (inner end of 30) extending from the radiused portion to an outer edge (Fig 1) of the locking member (22) for engaging the lever (20) to position the locking member (22) in the locked position (Fig 2).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-16,18-22, 26, 28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 23 and 25 are not persuasive enough due to the original reference disclosing the additional features mentioned in amended claim.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Khaira whose telephone number is 703-305-0860. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet Sonia Khaira
Examiner
Art Unit 3754

07/11/05

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